

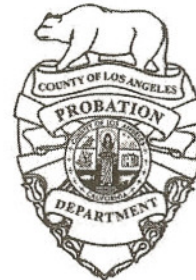


ROBERT B. TAYLOR
Chief Probation Officer

COUNTY OF LOS ANGELES PROBATION DEPARTMENT

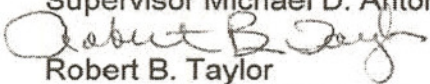
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February 13, 2008

TO: Supervisor Yvonne B. Burke, Chair
Supervisor Gloria Molina
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

FROM: 
Robert B. Taylor
Chief Probation Officer

SUBJECT: **DEPARTMENT OF JUSTICE SETTLEMENT AGREEMENT QUARTERLY
COMPLIANCE PROGRESS REPORT (OCTOBER - DECEMBER 2007)**

On November 23, 2004, the Board instructed the Chief Probation Officer to work with the County Counsel, the Directors of the Departments of Health Services (DHS) and Mental Health (DMH), the Superintendent of the Los Angeles County Office of Education (LACOE), and any other impacted County department or agency, to submit quarterly progress reports to the Board regarding corrective action taken related to the Department of Justice (DOJ) settlement agreement. This quarterly report covers October 1, 2007 through December 31, 2007. The next report will be submitted in April 2008 and will cover January 1, 2008 through March 31, 2008.

During the previous quarter, the Settlement Agreement was extended for an additional twenty-seven (27) months. Full compliance with the settlement agreement must be achieved by no later than December 2009. In the extended agreement, LACOE's Special Education Provision (#46) was separated into five separate sections. The addition of four LACOE provisions raises the total number of provisions subject to the settlement agreement from fifty-two (52) to fifty-six (56).

Before a paragraph is considered implemented, it must undergo formal monitoring by the Monitors for one year. During the formal monitoring period, the Monitors evaluate the County's compliance with the paragraphs' provisions. The DOJ will classify paragraphs as implemented if the County maintains substantial compliance with the paragraphs' provisions during the formal monitoring period.

STATUS OF PROVISIONS OVERVIEW

The following is a status of the settlement agreement provisions. Of the 56 provisions:

- 24 (43%) are in compliance with the settlement agreement – these have been in formal monitoring for the required 12 consecutive months, and thus, are no longer required to be under formal monitoring. These provisions are identified in Attachment I.
- 8 (14%) are currently in the 12-month formal monitoring stage. These provisions are also identified in Attachment I. Of these eight (8) provisions, five (5) are anticipated to complete the formal monitoring process during the next reporting period, January 1, 2008 to March 31, 2008.
- 19 (34%) are anticipated to be proffered to the Monitors for approval to begin formal monitoring during the next reporting period, January 1, 2008 to March 31, 2008, as significant progress towards compliance has been achieved in these areas. These provisions are identified in Attachment II.
- 5 (9%) are not anticipated to be ready for formal monitoring during the next reporting period, January 1, 2008 to March 31, 2008. These provisions are also identified in Attachment II. The following provides a current and prior quarter progress comparison:

COMPLIANCE STATUS OF SETTLEMENT AGREEMENT PROVISIONS CURRENT & PRIOR QUARTER COMPARISON		
Compliance Category	Prior Reporting Period	Current Reporting Period
Number of Provisions in Compliance	21 (38%)	24 (43%)
Number of Provisions in 12-month Formal Monitoring Stage	9 (16%)	8 (14%)
Number of Provisions Anticipated to Begin Formal Monitoring in the Next Reporting Period	17 (30%)	19 (34%) *
Number of Provisions Not Anticipated to be Ready for Formal Monitoring During the Next Reporting Period	9 (16%) *	5 (9%)
TOTAL	56 (100%)	56 (100%)

* Includes four additional provisions related to the restructuring of Paragraph #46, Special Education, into five separate provisions, increasing the total provisions requiring monitoring from 52 to 56, as agreed to by the Department of Justice.

SUMMARY OF COUNTY'S PROGRESS: OCTOBER 1, 2007 – DECEMBER 31, 2007

The statuses of each of the twenty-four (24) provisions that have not yet entered the formalized monitoring process are included below. Each remaining provision is listed under the Department that has primary responsibility for achieving compliance.

PROBATION – 10 PROVISIONS NOT YET IN FORMAL MONITORING:

Provision 16 – Substance Abuse: In the sixth DOJ semi-annual report, the Monitor noted that DMH continues to work to improve the documentation of substance abuse treatment efforts by clinicians. According to the Auditor-Controller, 80% of this provision is in compliance, and all items on the DOJ Action Plan have been completed. DMH hired a full-time Substance Abuse Counselor that provides services on the Enhanced Supervision and CARE units. The DMH Standards and Quality Assurance unit modified the Client Care Coordination Plan (Treatment Plan) specifically to meet the needs of the juvenile justice programs. Once fully implemented, it will more clearly identify goals and interventions for co-occurring disorders.

Probation and DMH have completed the necessary contracting processes/amendments to begin providing long-term substance abuse service for youth at the three juvenile halls. These services were initiated by DMH in late October 2007 for minors with co-occurring/substance abuse disorders. Services were initiated in December 2007 for minors referred for substance abuse services by the other collaborating agencies. This provision will be proffered for formalized monitoring consideration during the Monitor's February 2008 visit.

Provision 27 - Staffing: This provision has proven to be the most challenging as regards achieving substantial compliance. Probation representatives met with the Monitor in October of 2007 to clarify the Monitor's expectations as regards what constitutes substantial compliance. The Monitor expressed concern regarding the lack of a sufficient number of staff actually present in the living units to keep minors reasonably safe and allow for rehabilitative efforts to occur successfully. After consultation with the Monitor, the Probation Department, with the assistance of the Chief Executive Office, developed a plan to hire approximately 200 additional Detention Services Officers during the next quarterly reporting period (January 1, 2008 to March 31, 2008). These additional staff will allow the Department to staff the living units at a level sufficient to meet the Monitor's outlined expectations.

On January 23, 2008, Probation representatives met again with the Monitor to further clarify what specific documents and rehabilitative efforts the Monitor would be measuring as regards the achievement of substantial compliance. It was agreed that the level of staffing will be monitored through reviews of facility schedules, log books, and Shift Condition Reports. The reportable facility staffing ratios will be representative of the number of staff actually present in individual units and specialized units, and will not encompass staff assigned to Movement and Control or other specialized duties within the

facility. The rehabilitative efforts that would be specifically assessed by the Monitor are: Individual Behavior Management Planning (IBMP) processes efforts, school attendance audit reports; indoor and outdoor recreation audit reports; and compliance with Behavior Management Programming efforts, which includes the maintenance of the points system and ensuring/documenting that minors are offered the opportunity to participate in the Children's Store at each facility on a weekly basis.

The satisfactory provision of rehabilitative services and the maintenance of a reasonably safe environment as determined by the Monitor for Paragraph 32 (Use of Force Review) and Paragraph 35 (Youth-on-Youth Violence) will be indicative of an appropriately staffed facility and meet the substantial compliance requirements. It is anticipated that this provision will be ready for presentation to the Monitor during the April 1, 2008 to June 30, 2008 quarterly reporting period.

Provision 28 – Chemical Restraint: The rate of OC usage during calendar year 2007 (152 uses) decreased significantly by 29% as compared to calendar year 2006 (215 uses). This usage was equal to the 152 uses in 2005 and is the lowest number of OC incidents demonstrated by the County on an annualized basis during two of the first three years of the Settlement Agreement. This equates to an average of 12.7 uses of OC spray for each calendar month across three juvenile halls.

The Department has issued an Administrative Policy regarding the Safe Crisis Management Review Process. Increased emphasis has been placed on the OC post incident review process to determine whether the discharge of the chemical spray may have contaminated innocent parties. It also addresses whether minors who were sprayed were on psychotropic medication, or had a physical or medical condition that would contraindicate its use, and if the staff were aware that the minor should not, in most instances, have been sprayed. The Incident reviews continue to show improvement and decontamination timeframes are primarily adhered to. The tracking and weighing of OC canisters has also improved. This provision will be proffered for formalized monitoring consideration during the Monitor's February 2008 visit.

Provision 29 – Use of Force: This provision generally required the Probation Department to revise its use of force policies and procedures and provide training to its staff, supervisors and Directors in new use of force techniques. All of the compliance points for this provision have been met. This provision will be proffered for formalized monitoring consideration during the Monitor's February 2008 visit.

Provision 31 – Child Abuse Investigation: The Probation Department's Child Abuse Special Investigations Unit (CASIU) has developed policies and procedures, incorporated a "roll-out procedure" for on-call investigators, and improved its response times to incidents. These accomplishments, coupled with the establishment of the "Office of Independent Review" staffed by an independent counsel that reviews investigations and provides technical assistance to the unit manager, has moved this provision very close to begin formal monitoring.

There remain two items to be resolved: 1) Older child abuse cases from the previous administration had been given the lowest priority, enabling investigators to focus their attention on the newer and "fresher" cases. While this was an acceptable, short-term strategy, the Monitor has indicated that the CASIU must now turn its attention to cleaning up the older cases as soon as possible; and 2) The contract for the individual that oversees the "Office of Independent Review" (OIR) needs to be amended in a manner that changes the OIR's reporting chain or responsibility from that of the Chief Probation Officer to the County Chief Executive Officer to ensure the authority and independence of the office.

The unit manager is currently addressing the caseload backlog, and County Counsel and Probation are in the process of amending the contract of the individual overseeing the OIR. This provision will be proffered for formalized monitoring consideration during the first quarter of 2008 (January-March).

Provision 32 – Use of Force: Use of force data indicates that the Detention Services Bureau, as a whole, experienced a one and one-half percent (1.5%) increase in the number of use of force incidents in calendar year 2007 (1,376 incidents) as compared to calendar year 2006 (1,356 incidents). The 1,376 incidents in 2007 represents an overall twenty-one percent (21%) decrease in incidents since calendar year 2005 (1,741 incidents), which was the year the Department initiated tracking use of force incidents.

An analysis of the above data reveals that there were about four instances of use of force each day within the entire Detention Services Bureau (3.76 instances per day). The Detention Services Bureau encompasses three juvenile halls with a combined average daily population 1,700 to 1,800 minors. Over half of these uses of force situations were resolved with the deployment of lower levels of force that did not result in the minors being taken down to the ground.

One facility (BJNJH) experienced particular difficulty with use of force issues. BJNJH experienced a forty-nine percent (49%) increase in the number of use of force incidents (599 incidents) in calendar year 2007 as compared to calendar year 2006 (402 incidents). Conversely, Central Juvenile Hall experienced twenty-five percent (25%) decrease in use of force incidents in calendar year 2007 (462 incidents) as compared to calendar year 2006 (617 incidents); and Los Padrinos Juvenile Hall also experienced a decrease in use of force incidents (-6%) in calendar year 2007 (315 incidents) as compared to calendar year 2006 (336 incidents).

The high number of use of force incidents at the BJNJH facility, as well as those occurring elsewhere within the Detention Services Bureau (DSB), are being monitored closely by a Departmental Use of Force Steering Committee comprised of Probation Department executive level staff and key managers from within the DSB. Detailed, cumulative statistical data for each month regarding use of force, youth violence, school suspensions, school referrals, recreation participation, and behavior management programming is provided to the steering committee on a weekly basis. The steering committee reviews

this operational data with an eye toward identifying areas of concern (high levels of incidents or apparent non-compliance with expectations) and then addresses the concerns with Bureau and facility managers attending the meetings.

The monitor indicated that he will be monitoring the statistical trends regarding use of force and that to achieve formal monitoring, the uses of force at BJNJH and CJH should eventually approximate that of Los Padrinis, or justification should be provided to the monitor indicating why these two facilities' incident numbers are appropriate relative to their almost comparable daily populations. It is anticipated that this provision will be ready for presentation to the Monitor during the April 1, 2008 to June 30, 2008 quarterly reporting period.

Provision 33 - Rehabilitation: The Individualized Behavior Management Program (IBMP) components have been fully implemented at all three juvenile halls. Behavior Management Programming (BMP) has also been implemented at the three juvenile halls. Each living unit at each juvenile hall now has an individualized BMP schedule for the month that outlines all of the recreational and rehabilitative programming opportunities available to minors in that unit. Each juvenile hall implemented a positive points rewards program where minors earn points for good behavior and exchange those points at the facility's Al Jones Children's Store. The Monitor for this provision has expressed concerns regarding compliance with recreation schedules and school attendance. He indicated that moving this provision into formalized monitoring status is dependent on the ability of the facilities to clearly document minors' BMP, recreation and educational program participation at appropriate compliance levels (90%). The Detention Services Bureau created tracking and monitoring tools to assess progress in these areas. The Departmental Use of Force Steering Committee on a weekly basis also reviews compliance with these requirements. This provision will be proffered for formalized monitoring consideration during the April 1, 2008 to June 30, 2008 quarterly reporting period.

Provision 35 - Youth-on-Youth Violence: Youth-on-Youth Violence data (fights and assaults) indicates that the Detention Services Bureau, as a whole, experienced a fourteen percent (14%) decrease in incidents of youth-on-youth violence in calendar year 2007 (2,201 incidents) as compared to calendar year 2006 (2,558 incidents). The number of 2006 incidents was reduced about six percent as compared to calendar year 2005 (2,728 incidents), which was the year the Department initiated tracking of youth-on-youth violence incidents. From 2005 (2,728 incidents) to 2007 (2,201 incidents), the Detention Services Bureau has experienced an overall nineteen percent (19%) decrease in youth-on-youth violence incidents.

An analysis of the above data reveals that there were about six instances of youth-on-youth violence each day within the entire Detention Services Bureau. The Detention Services Bureau encompasses three juvenile halls with a combined average daily population 1,700 to 1,800 minors. Seventy-six percent of these incidents of youth-on-youth violence were resolved on voice command by staff without having to utilize force.

While all three facilities experienced reductions in the number of uses of force, one facility (BJNJH) experienced only a one percent (1%) decrease (793 incidents in 2006 versus 802 incidents in 2007) as compared to a twenty percent (20%) reduction at CJH (895 incidents in 2007 versus 1,127 incidents in 2006) and an eighteen (18%) reduction at LPJH (513 incidents in 2007 versus 629 incidents in 2006). Bureau managers and the Monitor are monitoring the BJNJH situation closely and assessing the cause(s) for this increase and providing resource assistance as necessary.

The Department's Use of Force Steering Committee is monitoring youth-on-youth violence issues closely. The steering committee reviews this data and addresses any issues with affected facility managers.

The Monitor indicated that he would be monitoring the statistical trends regarding youth-on-youth violence. To achieve formal monitoring, the rate of youth-on-youth violence at BJNJH and CJH should mirror that of Los Padrinos, or justification should be provided to the Monitor indicating why these two facilities incident numbers are appropriate relative to their almost comparable daily populations. It is anticipated that this provision will be ready for presentation to the Monitor during the April 1, 2008 to June 30, 2008 quarterly reporting period.

Provision 55 – Youth Hygiene and Provision 56 – Audit for DOJ: Probation, LACOE and the Environmental Health Monitor have collaborated on the creation of an auditing tool for provision #55, Youth Hygiene. The auditing tool was beta-tested in September 2007, finalized in October 2007 and implemented in November 2007. The audit tool was placed in formal use during the month of December 2007 and trending data was captured for comparison purposes of future audits. The Monitor has previously indicated that if the tool is utilized appropriately and sufficient data is collected to form a baseline for month-to-month comparisons, the "Youth Hygiene" provision (#55) and the "Audit for DOJ" provision (#56) should be ready for formalized monitoring consideration during the Monitor's visit in February 2008.

DEPARTMENT OF HEALTH SERVICES – JUVENILE COURT HEALTH SERVICES – ALL PROVISIONS IN FORMAL MONITORING.

Provision 41 – Medical Records: In formal monitoring -- the Monitor placed this provision in formal monitoring status on November 21, 2007. The Monitor indicated that no further visits were required to the sites provided the County prepared monthly progress updates related to the development of the Juvenile Health Information System (JHIS), which will provide for a safe and expeditious electronic transfer of medical record data. Probation, JCHS and DMH have continued their collaborations with County Counsel, the Sheriff's Department and Cerner Corporation, the proposed vendor, regarding the development of JHIS.

DEPARTMENT OF MENTAL HEALTH – SIX PROVISIONS NOT YET IN FORMAL MONITORING:

Provision 11 - Treatment Planning: This provision continues to show improvement. As outlined in the Paragraph 16 (Substance Abuse) summary, the DMH Standards and Quality Assurance unit has modified the Client Care Coordination Plan (Treatment Plan) specifically to meet Juvenile Justice operational needs. Once fully implemented, this treatment plan will help highlight the specific treatment strategies developed by clinicians for minors. In addition, the DMH Training Division provided on-site training for juvenile justice clinical staff on evidence-based interventions known to be effective with this population, including Cognitive-Behavioral, Dialectical Behavior Therapy and interventions for Co-Occurring Disorders. The Monitor noted that the treatment plan the County developed is excellent, and has been implemented at all facilities. Treatment planning continues to improve due to the implementation of Individualized Behavior Management Planning ("IBMP") at each of the facilities. The Boys and Girls Enhanced Supervision Units are open and house up to 15 boys and 15 girls on a daily basis. The Enhanced Supervision Units are a significant improvement in the integrated management of mentally ill youth who exhibit aggressive and self-harming behaviors. The Monitor noted that the CARE and ESU units continue to show programmatic maturation and that this is particularly evident in the initiation of an organized discharge planning process. He noted that DMH and Probation should be commended in establishing a position for a Discharge Planner. This provision was put forward for consideration for formalized monitoring by the Monitor in August 2007. It will again be proffered to the Monitor for consideration for formal monitoring status in February 2008, during the Mental Health Monitor's visit.

Provision 12 – Implementation of the Treatment Plan: The Monitor noted that treatment plan coordination and case management have significantly improved through the IBMP process. CJH has initiated an additional IBMP meeting to address the increasing number of mentally ill youth housed in the Enhanced Supervision and CARE Units. The on-site QA staff and the CQI process have helped to improve performance of this provision. Significant improvement has been made at all three halls with regard to the efforts to contact parents or guardians. The Monitor noted that there is increasing evidence that youth are more effectively case-managed both within the halls and when they are moved to another facility or camp. Once fully-implemented, the Client Care Coordination Plan – Juvenile Justice (Treatment Plan) will help improve the focus of treatment provided and, will help provide continuity as youth move through the system. Progress related to this provision will be reviewed by the Mental Health Monitor during the February 2008 visit. It is anticipated that this provision will be placed into formal monitoring during the next two quarterly reporting periods.

Provision 13 - Counseling Services: The Monitor noted that there is considerable evidence that counseling services provided to youth continues to improve. The IBMP process facilitates discussion regarding, and implementation of, counseling and case management strategies for minors. DMH continued its efforts to improve the overall quality of documentation of counseling services. The CQI staff has been working with DMH and

contract Mental Health staff on casework protocols. Documentation training was conducted for all direct DMH and contract agency staff. The Client Care Coordination Plan – Juvenile Justice (Treatment Plan), which is in the implementation stages, is expected to facilitate further improvement in this provision. The Treatment Plan will clearly outline frequency of treatment contacts. This provision will be put forward for consideration for formal monitoring by the Monitor in February 2008.

Provision 15 – Individualized Behavior Modification: The Monitor noted that the combination of the implementation of the “state of the art” Behavior Management Plan and the LEAPS programs’ components, in conjunction with a well resourced Al Jones store have had a positive impact on achieving compliance with this paragraph, as well as moving Probation toward a model of rehabilitation that is focused on youth skill development. The Auditor-Controller noted a 95% compliance level for this provision. All items noted in Action Plan have been completed. This provision will be submitted for consideration for formalized monitoring in February 2008.

Provision 25 - Management of Suicidal Youth: The Probation Department revised its Enhanced Supervision Policy and all staff has been trained in and has signed off on the policy. This policy instructs and guides staff on procedures and practices that must be adhered to when supervising minors that are potentially at risk of self-harm or suicide. The Monitor noted that the County continues to make progress in managing and caring for the population of self-harming youth. Boys and a Girls’ “Enhanced Supervision Units” (ESU) were opened at Central Juvenile Hall in 2006, and provided a higher level of care for self-harming minors. In addition, the improved collaboration on the tracking of youth on high observation through the IBMP processes helped to ameliorate concerns previously raised by the Monitors regarding this provision. During this quarter, the overall assessment compliance scores for youth on Level 3 (high risk of suicide) was at 99%, and for youth on Level 2 (possible risk for self harm) was 99%. Youth engaging in self-injurious or suicidal activities are automatically referred to the IBMP team for review and development or a treatment/management plan. All items in the Action Plan have been completed. This provision will be put forward for consideration for formalized monitoring in February 2008.

Provision 26 – Care for Self-Harming Youth: The Monitor’s semi-annual report noted that audits indicate that the majority of minors were transferred to hospitals to stabilize and evaluate acute episodes of psychiatric emergencies within the appropriate 2-hour time-frame. Probation and DMH have made significant progress toward developing a continuum of services and responses to the needs of self-harming youth. This provision was originally submitted for consideration for formalized monitoring in February and August of 2007. All items in the Action Plan have been completed. This provision will be proffered for consideration for formalized monitoring status in February 2008.

**SUMMARY OF LOS ANGELES COUNTY OFFICE OF EDUCATION
PROGRESS – INCLUDES EIGHT PROVISIONS NOT YET IN FORMAL MONITORING:**

Paragraph 46 – Special Education: This paragraph was restructured into five separate provisions (46.1 through 46.5) as agreed to by the Department of Justice, of which four of these five paragraphs have not yet begun formal monitoring:

Paragraph 46.1 – Special Education Upon Intake: In formal monitoring. The Student Records Acquisition Unit (SRA) continued to provide consistency for all three Juvenile Hall Schools in making timely requests for students' previous schools records. This centralized student records request system has expedited retrieval of school records from local districts. Additionally, the SRA Unit conducted follow-up communications with students' previous schools when records were not received within pre-established timeframes. This includes sending follow-up letters to school districts that have not provided student records 10 days after the initial request from LACOE. The SRA Unit sent referrals to the Student Planning Team (SPT) Leads at each of the juvenile halls for those students that "self-identified" as receiving special education services (prior to their incarceration), but for whom LACOE has not received school records. Initial contacts and follow-up efforts conducted by the SRA staff are documented in LACOE's student information database.

This paragraph is under formal monitoring as of August 23, 2007, pursuant to the 6th Monitoring Report issued on December 10, 2007.

Paragraph 46.2 – Staffing: All special education teachers in the three juvenile halls have the appropriate credentials necessary to provide instruction for students who have Individual Education Plans (IEPs). A total of four additional full-time psychologists for the three Juvenile Hall Schools, which were approved by the Superintendent during the previous reporting period, began working during this reporting period. LACOE is closely tracking the staffing vacancies for the three juvenile halls. The total number of staffing vacancies for the three Juvenile Hall Schools declined from 29 (as of November 11, 2007) to 14 (as of January 9, 2008). This reduction in total vacancies approximates a 52% decline and shows LACOE's commitment/focus to expeditiously fill vacant positions. Additionally, LACOE's Division of Juvenile Court and Community Schools filled the Regional Director position. The Regional Director is working full-time to ensure LACOE reaches and maintains substantial compliance.

Paragraph 46.3 – Screening for Special Education Needs: LACOE's Special Education Local Plan Area (SELPA) staff implemented a standard SPT process within the three Juvenile Hall Schools. Each of the three Juvenile Halls has assigned LACOE administrators to lead/facilitate the SPT process with their respective juvenile hall. LACOE SELPA staff developed comprehensive, standardized SPT process training materials, which have been provided to the SPT Leads. LACOE consistently requested for Probation to hold students in the Hall when an SPT (or IEP) meeting was scheduled. Based on recommendations from one of the Education Monitors, a few minor revisions were

incorporated into the SPT Manual. LACOE provided training on the SPT referral process to Probation and DMH representatives in December 2007.

During this reporting period, LACOE and Probation representatives worked collaboratively to revise the "Request for Service/Support Regarding School Student" form and implement agreed upon protocols for the use of this document in the three Halls.

Paragraph 46.4 – Individual Education Programs: LACOE consistently sends permission to assess (PTA) forms to parents, surrogates and guardians so LACOE can perform special education assessments and prepare IEPs within legal timelines. LACOE continued to strive to ensure all LACOE required participants (e.g., general education teachers) attended IEP meetings. As requested by one of the Education Monitors, LACOE prepared and implemented a written protocol to invite other agencies (i.e., Probation, DMH, JCHS) to attend IEP meetings. During this quarter, administrative placements (APs) were not consistently completed within three school days. As such, LACOE took action to centralize the AP preparation processes, which are prepared by Senior Program Specialists in the SRA Unit. LACOE continues to maintain a continuum of placement options for special education students in the three Juvenile Hall Schools that include: resource specialist services, special day classes (SDC), general education courses with designated instructional services support, language and speech services, and counseling services.

Based upon the results of audits conducted by LACOE's internal auditors, LACOE consistently provided more than 90% of the SDC/Resource Specialist services listed in students' IEPs during this reporting period, taking into account acceptable reasons (e.g., medical appointments, court hearings) why students do not receive services.

During this monitoring period, LACOE facilitated an inter-agency meeting with DMH Management to discuss the requesting of mental health services provided by DMH for youth referred by LACOE. This is a requirement of one of the Education Monitors. DMH Management agreed at that meeting to provide this information to LACOE on a monthly basis.

Paragraph 46.5 – Training and Quality Assurance: Three LACOE SELPA administrators with special education expertise were assigned to the Halls (one for each Hall) to provide/facilitate requisite training and perform quality assurance reviews. Specifically, LACOE SELPA staff has facilitated the following training for Juvenile Hall staff and other appropriate people over the past several months: preparing Individual Transition Plans, SPT process, Assistive Technology, Writing Legally Defensible Individual Education Plans, LACOE SELPA Special Education Programs and Procedures, Surrogate Parent and IDEA Training and Positive Behavior Support Plans. The Assistant Principals of Special Education at each of the three Halls collect data weekly on the percentage of students in the three Juvenile Halls who have IEPs. LACOE and Probation worked together and implemented a homework program in the three Halls. This homework

program includes silent sustained reading during the week with a follow-up comprehension assessment each Friday.

Paragraph 47 – Related Services: LACOE continues to identify students who qualify for special education related services (e.g., speech and language, counseling, etc.). Related service needs are documented in student's IEPs. Special education providers at the three Halls consistently document when they are ready, willing and able to provide special education services, but the students did not receive a portion or all of the services listed in the IEP. This includes documenting acceptable reasons (e.g., medical, court, safety, etc.) why students did not receive the services listed in their IEP. Based upon the results of audits conducted by LACOE's internal auditors, LACOE consistently provided more than 90% of the related services listed in students' IEPs during this reporting period, taking into account acceptable reasons (e.g., medical appointments, court hearings) why students do not receive services.

LACOE continues to participate in the Individual Behavior Management Program (IBMP) meetings each week with Probation and Mental Health at each juvenile hall to identify and address students' social, emotional, and academic needs. Based on recent meetings between LACOE and Probation staff, referral to the SPT has been incorporated into the IBMP meetings.

Paragraph 48 – Parent Participation: The staff at the three Juvenile Hall Schools' continue to involve students' parents (guardians or surrogate parents, when applicable) in their child's education, based upon audits conducted by LACOE's internal auditors. Parents were consistently invited to attend their child's IEP meetings. LACOE continued to provide parents a ten-day notice prior to the IEP meeting to ensure their availability to attend. If parents inform staff that they are not available for the IEP meeting on the scheduled date, the opportunity to participate via teleconference or a different date was discussed with and offered to the parent. LACOE has a systematic process for documenting contacts, attempts to contact, parents' availability, and parents' refusal to participate. LACOE consistently requested and documented that parents were given an opportunity to meet with their child for at least 15 minutes prior to or after the IEP meeting.

Paragraph 49 – Transition Planning and Services: LACOE staff continued to prepare Individual Transition Plans (ITPs) for special education students who are or reach the age of 16 when their IEP meeting is held. LACOE Internal Auditors noted in recent audits that 100% of special education students that were 16 or older at the time of their IEP meeting had an ITP. Additionally, the LACOE's internal auditors noted Hall staff consistently invited appropriate agencies (e.g., Probation, DMH) responsible for providing transition services to participate in IEP meetings.

The Assistant Principal of Special Education at each Juvenile Hall is responsible for performing periodic quality performance reviews of ITPs to ensure they contain the following elements: instruction, related services, community experiences, development of employment and other post-school adult living objectives. During this reporting period, a

LACOE SELPA administrator with special education expertise provided hands-on training to the juvenile halls' special education teachers on the preparations of ITPs that meet IDEA and State guidelines. Additionally, a transition plans expert that worked for the California Department of Education, provided ITPs training to juvenile halls special education teachers, among others, on January 23, 2008.

Paragraph 50 – Materials, Space and Equipment: At each of the three Juvenile Hall Schools, LACOE has sufficient textbooks and instructional materials available for classroom instruction, as verified by one of the Education Monitors. There is also a procedure for each Juvenile Hall School to replenish textbooks and instructional materials to remain sufficient. Students which IEPs designate additional specific instructional material support are provided the necessary materials as described in the IEPs.

The English Learner (EL) Program at the three Juvenile Hall Schools remains in substantial compliance. The staff at each Hall is doing an efficient job of quickly identifying students who qualify for EL services and appropriately placing students in EL courses. The number of credentialed teachers and paraeducators is adequate to provide the necessary services for these students.

LACOE and Probation continue to collaborate on facility and space issues to resolve any facility issues. Probation has reconfigured Barry J. Nidorf to ensure educational services are provided to High Risk Offender (HRO) youth. The fencing for and set-up of nine additional classrooms for HROs at Barry J. Nidorf Juvenile Hall was completed during this reporting period. The use of all nine classrooms was phased-in over a several week period. All nine of these classrooms are in use as of January 18, 2008. The Education Monitor will review Paragraph 50 during his January 2008 visitation, and it is LACOE's expectation that the Monitor will determine that LACOE is in substantial compliance with Paragraph 50.

LACOE General Comments: LACOE's Internal Auditors, under the supervision of LACOE management, audit Paragraphs 46.1 through 50. On January 2, 2008, LACOE reassessed their progress on Paragraphs 46.2 through 50 and revised the anticipated formal monitoring dates of their paragraphs as indicated on page 14. LACOE management has been working closely with the Education Monitors and has reached a mutual understanding of the definition of substantial compliance for each paragraph. The Education Monitors will provide details of LACOE's progress toward substantial compliance in each semi-annual report.

Anticipated Dates for Requesting Formal Monitoring

Paragraph 46-2: Staffing	December 2007 *
Paragraph 46-3: Screening – Special Education	December 2007 *
Paragraph 46-4: Individual Educational Programs	December 2007 *
Paragraph 46-5: Training and Quality Assurance	December 2007 *
Paragraph 47: Related Services	December 2007 *
Paragraph 48: Parent Participation	December 2007 *

Paragraph 49: Transition Planning and Services
Paragraph 50: Materials, Space and Equipment

December 2007 *
January 2008 **

* LACOE anticipates requesting the Education Monitors to begin formal monitoring retroactive to December 2007 for this paragraph.

** Awaiting formal notification from the Monitor to place this paragraph in formal monitoring effective January 2008.

AUDITOR-CONTROLLER'S OVERSIGHT OF THE QUALITY ASSURANCE TEAM

The Auditor-Controller continues to provide oversight of the Quality Assurance (QA) Team, which consists of representatives from DHS, DMH and Probation. The QA Team is responsible for monitoring the County's implementation of the settlement agreement provisions.

In December 2007, Paragraphs 52 (Fire Safety), 53 (Food Safety) and 54 (Medically-Necessary Diets) were granted full compliance bringing the total number of paragraphs in full compliance to 24 of the 56 paragraphs as previously indicated. In addition, the DOJ began formal monitoring for Paragraph 41 (Medical Records Transfer). Since January 2007, the DOJ began formal monitoring of eight paragraphs (10, 18, 22, 23, 24, 41, 45, and 46-1).

Regarding the remaining 24 paragraphs that have not yet begun formal monitoring, LACOE staff monitors the implementation status of eight of the paragraphs; for the remaining 16 paragraphs, we noted the following:

- 8 paragraphs showed a 90% or above compliance rate.
- 6 paragraphs showed an 80% to 89% compliance rate.
- 2 paragraphs showed a 70% to 79% compliance rate.
- 0 paragraphs showed a less than 70% compliance rate.

Please contact me if you have any questions, or your staff may contact Ron Barrett, Los Angeles County DOJ Project Manager at (323) 226-8876.

RBT:RB:dn

Attachments (2)

c: Sachi A. Hamai, Executive Officer, Board of Supervisors
William T Fujioka, Chief Executive Officer
Doyle Campbell, Deputy Chief Executive Officer
Raymond G. Fortner, Jr., County Counsel
J. Tyler McCauley, Auditor-Controller
Dr. Bruce Chernof, Director, Department of Health Services
Dr. Marvin J. Southard, Director, Department of Mental Health
Dr. Darline P. Robles, Superintendent, Los Angeles County Office of Education

PROVISIONS IN COMPLIANCE WITH SETTLEMENT AGREEMENT

<u>Provision #</u>	<u>Subject of Provision</u>	<u>Responsible Agency</u>	<u>Completion Date</u>
#8	Mental Health Staffing	DMH	Nov 30, 2006
#9	Screening	DMH/LACOE	May 31, 2006
#14	Record-Keeping	DMH & JCHS	Jun 30, 2006
#17	Psychotropic Medications	Probation	Nov 30, 2006
#19	Access to Care for Medical Services	Probation	Nov 30, 2006
#20	Staff Understand Mental Health Needs	All	Nov 30, 2006
#21	Housing of Youth with Disabilities	Probation	May 31, 2006
#30	Supervision of Youth	Probation/LACOE	Oct 31, 2006
#34	Group Punishment	Probation	May 31, 2006
#36	Youth Movement between Halls	Probation	Jun 30, 2006
#37	Orientation to Juvenile Hall	Probation	Dec 31, 2006
#38	Grievance System	Probation	Nov 30, 2006
#39	Youth with Special Needs	JCHS	May 31, 2006
#40	Transportation to Outside Appointments	Probation	Nov 30, 2006
#42	Confidentiality	Prob. & JCHS	May 31, 2006
#43	Access to Care -Mental Health Services	Probation	Nov 30, 2006
#44	Eyeglasses	JCHS	Sep 01, 2007
#51	Security	Probation	Nov 30, 2006
#52	Fire Safety	Probation	Dec 01, 2007
#53	Food Safety	Probation	Dec 01, 2007
#54	Medically-Necessary Diets	Probation	Dec 01, 2007
#67	Consent Forms	Prob/JCHS/DMH	May 31, 2006
#68	Implementation Plan	All	May 31, 2006
#69	Document Review	All	Aug 31, 2006

TOTAL PROVISIONS: 24 (43%)

PROVISIONS IN 12-MONTH FORMAL MONITORING COMPLIANCE STAGE

<u>Provision #</u>	<u>Subject of Provision</u>	<u>Responsible Agency</u>	<u>Effective Date</u>
#10	Assessments (initial identification)	DMH	Feb 28, 2007
#18	Restraints	Probation	Feb 28, 2007
#22	Suicide Prevention	Probation/LACOE	Feb 28, 2007
#23	Sharing of Information	Probation/LACOE	Feb 28, 2007
#24	Assessment (ongoing evaluations)	DMH	Feb 28, 2007
#41	Medical Records Transfer	JCHS/Probation	Nov 21, 2007
#45	Hygiene	JCHS/Probation	Apr 01, 2007
#46-1	Special Education at Upon Intake	LACOE	Aug 23, 2007

TOTAL PROVISIONS: 8 (14%)

**PROVISIONS ANTICIPATED TO BEGIN FORMAL MONITORING
IN THE NEXT REPORTING PERIOD**

<u>Provision #</u>	<u>Subject of Provision</u>	<u>Responsible Agency</u>	<u>Anticipated Date</u>
#11	Treatment Planning	DMH	Feb 2008
#13	Counseling Services	DMH	Feb 2008
#15	Individualized Behavior Modification	ALL	Feb 2008
#16	Substance Abuse	DMH/Probation	Feb 2008
#25	Management of Suicidal Youth	DMH/Prob/LACOE	Feb 2008
#26	Care for Self-Harming Youth	DMH/Probation	Feb 2008
#28	Chemical Restraint	Probation	Feb 2008
#29	Use of Force	Probation	Feb 2008
#31	Child Abuse Investigation	Probation	Feb 2008
#46-2	Staffing	LACOE	Dec 2007 ⁽¹⁾
#46-3	Screening for Special Education	LACOE	Dec 2007 ⁽¹⁾
#46-4	Individual Educational Programs	LACOE	Dec 2007 ⁽¹⁾
#46-5	Training and Quality Assurance	LACOE	Dec 2007 ⁽¹⁾
#47	Related Services	LACOE	Dec 2007 ⁽¹⁾
#48	Parent Participation	LACOE	Dec 2007 ⁽¹⁾
#49	Transition Planning and Services	LACOE	Dec 2007 ⁽¹⁾
#50	Materials, Space and Equipment	LACOE	Jan 2008 ⁽²⁾
#55	Youth Hygiene	Probation	Feb 2008
#56	Audit Process for DOJ	ALL	Feb 2008

TOTAL PROVISIONS: 19 (34%)

(1) LACOE anticipates requesting the Education Monitors to begin formal monitoring of this paragraph retroactive to December 2007.

(2) Awaiting formal notification from the Monitor to place this paragraph in formal monitoring effective January 2008.

**PROVISIONS NOT ANTICIPATED TO BE READY FOR
FORMAL MONITORING DURING THE NEXT REPORTING PERIOD**

<u>Provision #</u>	<u>Subject of Provision</u>	<u>Responsible Agency</u>	<u>Anticipated Date</u>
#12	Implementation of the Treatment Plan	DMH	Apr 2008
#27	Staffing	Probation	Apr 2008
#32	Use of Force Review	Probation	Apr 2008
#33	Rehabilitation	Probation/LACOE	Apr 2008
#35	Reduce Youth-on-Youth Violence	Probation/LACOE	Apr 2008

TOTAL PROVISIONS: 5 (9%)